

JACK SMITH.

Plaintiff,

V.

JANET NAPOLITANO, DEPARTMENT
OF HOMELAND SECURITY, *et al.*,

Defendants.

Case No. 2:09-CV-002286-KJD-LRL

ORDER

Plaintiff's Complaint (#7) was filed on April 8, 2010. On July 30, 2010, the magistrate judge extended the deadline for filing the summons and complaint until September 5, 2010. On November 5, 2010, the Court ordered Plaintiff to file proof that he had timely served the summons and complaint. Rather than provide proof that he served the summons with the complaint, Plaintiff instead mailed a letter (#29) to the Court in which he admits that he failed to include the summons with his previous attempts to serve the complaint. Accordingly, the Court dismisses Plaintiff's complaint without prejudice for failure to serve the summons and complaint by the extended deadline in compliance with Federal Rule of Civil Procedure 4.

IT IS SO ORDERED.

DATED this 28th day of June 2011.

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Kent J. Dawson
United States District Judge